

1 Timothy P. Harris, Pro Se'
2 4005 Cherokee Rose Ave.
3 North Las Vegas, NV. 89031
4 702-371-3658
5 extremeps1@cox.net

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

Timothy P. Harris, Pro Se')
Plaintiff) Case No: 2:10-cv-01662-GMN-LRL
V.)
AMERICAN GENERAL FINANCIAL) Civil Rights Violation Complaint
SERVICES OF AMERICA, INC.) Trial By Jury Demanded
Defendant)

PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE

Plaintiff, Timothy Harris, respectfully requests that this Court take judicial notice of Plaintiff's right to private action pursuant to 15 U.S.C. § 1681. The Plaintiff has entered into evidence the certified mailings sent to the Defendant and the Credit Reporting Agencies which are self authenticating according to the rules of evidence 901 and 902. Also pursuant to these same rules the evidence entered into this case in affidavit format with acknowledgment from a notary creates a rebuttable presumption. The following case law shows why the Plaintiff is entitled to Plaintiff's right of private action.

As was stated in Plaintiff Opposition To Motion To Dismiss, Doc. # 10, Dornhecker v. Ameritech Corp., 99 F. Supp. 2d 918 (N.D. Ill. 2000) a U.S. district court held that the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681 et seq., permits consumers to bring private causes of action against furnishers of information to credit reporting agencies who fail to properly investigate disputed credit information. In this case above, a telephone services provider opened phone service accounts on behalf of third persons who fraudulently used the names of other individuals. After the individuals, collection agencies, and credit reporting agencies notified the provider of the dispute, the provider reportedly failed to investigate. The individuals sued the provider, alleging, among other claims, that Defendant violated 1681s-2(b)(1) of the FCRA by

28 failing to properly investigate the disputed credit information. The Defendant moved to dismiss,
29 arguing that plaintiffs lacked standing because the FCRA does not create a private right of action
30 for consumers.

31 In this case the District Court denied the motion to dismiss. The court agreed with the
32 U.S. Supreme Court's analysis-set forth in Cort v. Ash, 95 S. Ct. 2080 (1975) for determining
33 whether an implied private right of action exists under a statute. The four factors are: whether (1)
34 the plaintiff is a member of a class for whose benefit the statute was enacted; (2) the legislative
35 history indicates congressional intent, explicit or implicit, either to create or deny such a remedy;
36 (3) implying a private remedy would frustrate the underlying purposes of the legislative scheme;
37 and (4) the cause of action is one traditionally relegated to state law.
38

39 As is a matter of evidence before this court, the Plaintiff has shown that the Defendant
40 was notified of the dispute and the credit reporting agencies were notified in the same time
41 period and attached proof of the certified mailings which are self authenticating according to the
42 Federal Rules of Evidence 901 and 902. These mailings were exhibits on Plaintiff's Response
43 To Motion To Stay Discovery, Doc. #14 exhibit A and are attached at the end of this notice as
44 exhibit A. These mailings were also backed up as evidence by Plaintiff's Affidavit In Support
45 Of Facts in Plaintiff's response to Defendant's Motion To Stay Discovery, court Doc. #14 and
46 are attached here as exhibit B. This affidavit creates a rebuttable presumption and to this date
47 these truths have not been rebutted by the Defendant on a point by point basis as required, nor
48 can they be, and therefore stand as the only evidence that has been entered into this case that has
49 any relevance to Plaintiff's complaint.
50

51 Plaintiff has also shown this court copies of the Plaintiff's credit reports showing that the
52 Defendant has not marked the Plaintiff's account in dispute as required by the FCRA, 15 U.S.C.
53 § 1681. These facts are evidenced in Plaintiff's Response To Motion To Stay Discovery, Court
54 Doc. #14, and exhibits B,C,D, and E and are attached here as exhibits C, D, E, and F. Further
55 evidence backing up these credit reports is found in Plaintiff's Affidavit In Support Of Facts,
56 exhibit B. This affidavit creates a rebuttable presumption and to this date these truths have not
57 been rebutted by the Defendant on a point by point basis as required, nor can they be, and

58 therefore stand as the only evidence that has been filed into this case that has any relevance to
59 Plaintiff's complaint.

60

61 The Plaintiff would also like to notice the court that the **debt collection** of alleged monies
62 owed, or due to alleged judgments are matters that are not before this court in regards to the
63 Plaintiff's complaint. Plaintiff is unaware of any alleged money owed by a consumer that would
64 strip him of his rights that would release debt collectors and furnishers of information to the
65 credit reporting agencies of their obligations to abide by the FCRA.

66 The **only** issue before this court is the Defendant knowingly, willfully, and intelligently
67 violating the FCRA. This has been further evidenced by the Plaintiff's exhibit E found in court
68 Doc # 15 in Plaintiff's Motion For Summary Judgment, and attached here as exhibit F, showing
69 how the Defendant has now entered the Plaintiff's credit report once again without permissible
70 purpose and changed Plaintiff's credit reports to show that they have now, *after litigation has
71 commenced*, been marked in dispute, see exhibit G. All the case law in support Plaintiff's
72 Motion For Summary Judgment has been put forth in court Doc. #15 and is attached to this
73 notice as exhibit H for your review.

74

75 In conclusion, the Defendant continues to violate the Plaintiff's civil rights based on the
76 FCRA, even after litigation has commenced, which is a felony, and is fineable under Title 18
77 U.S.C. and punishable by imprisonment for up to two years. The Defendant has not put into
78 evidence anything showing their position nor have they done anything to show a rebuttable
79 position to that of the Plaintiff. The only thing the Defendant has done is to try mis-lead and
80 mis-direct the court from the actual facts of the case.

81 This court has seemed to prejudice the Plaintiff in the fact that in the Order To Stay
82 Discovery the Magistrate Judge says... "On August 19, 2010, defendant filed a Complaint
83 against plaintiff in Clark County Justice Court because plaintiff was in default on a loan he
84 obtained from defendant. On September 29, 2010, the Justice Court rendered judgment in favor
85 of defendant." Why is this wording even in the order of the court? There is nothing in the
86 Plaintiff's complaint in regards to this matter nor do any alleged loans or alleged judgments have
87 any bearing on this case. All this wording, which has been used in all of the Defendant's
88 pleadings are immaterial and irrelevant to the Plaintiff's complaint and should be stricken from

89 any documents that contain such wordings. If the Defendant's continue to use this as an arguing
90 point in the future then the Plaintiff will use this as evidence to file a BAR grievance against
91 opposing counsel. The Plaintiff respectfully moves this court to FRCP rule 26(f) so that a plan
92 can be made and then even more evidence will be brought forth as to the Defendant's violations
93 of the Plaintiff's civil rights.

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96 Respectfully submitted this 7th day of December, 2010.

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107 **CERTIFICATE OF SERVICE**

108

109 I, the Plaintiff, Timothy Harris, does hereby certify that a copy of this Request For Judicial
110 Notice was sent to the Defendant American General Financial Services Of America, Inc. through
111 their attorney of record David W. Dachelet, Esq., Nevada Bar No. 6615, 300 South Fourth Street,
112 Suite 1400, Las Vegas, Nevada 89101 for the purpose of satisfying the requirement for Notice
113 and Service and was sent via the United States Postal Service pursuant to Federal Rules of Civil
114 Procedure 4 (c) (2) (c) (i). This will also be available to any and all PACER ECF participants and
115 will serve as Notice and Service.

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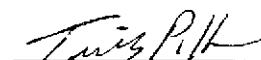
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Timothy Harris
4005 Cherokee Rose Ave.
North Las Vegas, NV 89031
702-371-3658
extremeps1@cox.net



Timothy P. Harris
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EXHIBIT A

EXHIBIT A

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																				
<p>For delivery information visit our website at www.usps.com</p> <p>LOS ANGELES CA 90054</p> <table border="1"> <tr> <td>Postage</td> <td>\$ 0.44</td> <td>0094</td> <td>1. Article Addressed to:</td> </tr> <tr> <td>Certified Fee</td> <td>\$ 2.80</td> <td>11 Postmark</td> <td><i>American General Finance</i></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>\$ 2.30</td> <td>Here</td> <td><i>P.O. Box 54290</i></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td>\$ 0.00</td> <td>0102 L 1 N</td> <td><i>Los Angeles, CA 90054-0290</i></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 5.54</td> <td>06/17/2010</td> <td></td> </tr> </table>				Postage	\$ 0.44	0094	1. Article Addressed to:	Certified Fee	\$ 2.80	11 Postmark	<i>American General Finance</i>	Return Receipt Fee (Endorsement Required)	\$ 2.30	Here	<i>P.O. Box 54290</i>	Restricted Delivery Fee (Endorsement Required)	\$ 0.00	0102 L 1 N	<i>Los Angeles, CA 90054-0290</i>	Total Postage & Fees	\$ 5.54	06/17/2010	
Postage	\$ 0.44	0094	1. Article Addressed to:																				
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Total Postage & Fees	\$ 5.54	06/17/2010																					
<p>Sent To: <i>American General Finance</i></p> <p>Street, Apt. No., or PO Box No. <i>P.O. Box 54290</i></p> <p>City, State, ZIP+4 <i>Los Angeles, CA 90054-0290</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>CE5A1P Sgn JUN 20 2010</i></p>																					
<p>PS Form 3800, August 2006</p> <p>See Reverse for Instructions</p>		<p>PS Form 3811, February 2004</p> <p>Domestic Return Receipt</p> <p>102595-02-M-15c</p>																					

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																				
<p>For delivery Information visit our website at www.usps.com</p> <p>ALLEN TX 75013</p> <table border="1"> <tr> <td>Postage</td> <td>\$ 0.44</td> <td>0094</td> <td>1. Article Addressed to:</td> </tr> <tr> <td>Certified Fee</td> <td>\$ 2.80</td> <td>09 Postmark</td> <td><i>Experian</i></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>\$ 2.30</td> <td>Here</td> <td><i>P.O. Box 2002</i></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td>\$ 0.00</td> <td>00</td> <td><i>Allen, TX 75013</i></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 5.54</td> <td>06/21/2010</td> <td></td> </tr> </table>				Postage	\$ 0.44	0094	1. Article Addressed to:	Certified Fee	\$ 2.80	09 Postmark	<i>Experian</i>	Return Receipt Fee (Endorsement Required)	\$ 2.30	Here	<i>P.O. Box 2002</i>	Restricted Delivery Fee (Endorsement Required)	\$ 0.00	00	<i>Allen, TX 75013</i>	Total Postage & Fees	\$ 5.54	06/21/2010	
Postage	\$ 0.44	0094	1. Article Addressed to:																				
Certified Fee	\$ 2.80	09 Postmark	<i>Experian</i>																				
Return Receipt Fee (Endorsement Required)	\$ 2.30	Here	<i>P.O. Box 2002</i>																				
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	00	<i>Allen, TX 75013</i>																				
Total Postage & Fees	\$ 5.54	06/21/2010																					
<p>Sent To: <i>Experian - A6</i></p> <p>Street, Apt. No., or PO Box No. <i>P.O. Box 2002</i></p> <p>City, State, ZIP+4 <i>Allen, TX 75013</i></p>		<p>B. Received by / Printed Name) <input checked="" type="checkbox"/> C. Date of Deliver <i>CE5A1P Sgn JUN 20 2010</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>Jesse M. Johnson</i></p>																					
<p>PS Form 3800, August 2006</p> <p>See Reverse for Instructions</p>		<p>PS Form 3811, February 2004</p> <p>Domestic Return Receipt</p> <p>102595-02-M-15</p>																					

U.S. Postal Service

CERTIFIED MAILTM RECEIPT

(Domestic Mail Only; No Insurance Coverage Pro-

For delivery information visit our website at www.usps.com

ATLANTA, GA 30374

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- Agent
 Addressee

B. Received by (Printed Name)

JUN 7 4 2010

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

Postage	\$ 0.44	0094
Certified Fee	\$ 2.80	09 Postn He
Return Receipt Fee (Endorsement Required)	\$ 2.30	21
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 5.54	06/21/2010

Sent To:

Equifax - A6

Street, Apt. No.,

or PO Box No.

City, State, ZIP+4

Atlanta, GA 30374

1. Article Addressed to:

Equifax
P.O. Box 740241
Atlanta, GA 30374

2. Article Number

(Transfer from service label)

7009 3410 0001 0346 8091

PS Form 3800 August 2006

See Reverse

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

U.S. Postal Service

CERTIFIED MAILTM RECEIPT

(Domestic Mail Only; No Insurance Coverage Pro-

For delivery information visit our website at www.usps.com

CRIMINAL MAIL

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- Agent
 Addressee

B. Received by (Printed Name)

TransUnion LLC

C. Date of Delivery

JUN 24 2010

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

Postage	\$ 0.44	0094
Certified Fee	\$ 2.80	09 Postn He
Return Receipt Fee (Endorsement Required)	\$ 2.30	21
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 5.54	06/21/2010

Sent To:

Trans Union - A6

Street, Apt. No.,

or PO Box No.

City, State, ZIP+4

Chester, PA 19022

1. Article Addressed to:

Trans Union
P.O. Box 1000
Chester, PA 19022

2. Article Number

(Transfer from service label)

7009 3410 0001 0346 8060

PS Form 3800 August 2006

See Reverse

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

EXHIBIT B

EXHIBIT B

1 Timothy P. Harris, Pro Se'
2 4005 Cherokee Rose Ave.
3 North Las Vegas, NV. 89031
4 702-371-3658
5 extremeps1@cox.net

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

Timothy P. Harris, Pro Se')
Plaintiff) Case No: 2:10-cv-01662-GMN-LRL
V.) Civil Rights Violation Complaint
AMERICAN GENERAL FINANCIAL) Trial By Jury Demanded
SERVICES,LLC)
Defendant)

**AFFIDAVIT OF FACTS IN SUPPORT OF RESPONSE TO DEFENDANT'S
MOTION TO STAY**

The following is the true and correct statement of Plaintiff, Timothy Harris, on and for the record. This statement is made to the best of his knowledge. The specifics of this case are as follows:

1. On or about June 1st, 2010, Plaintiff, a Consumer according to the definitions of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. noticed that the Defendant, a Creditor/Information Provider according to the definitions of the Fair Credit Reporting Act 15 U.S.C. § 1681 et seq. was existing in the Plaintiff's credit report files with inaccurate information.
 2. The Plaintiff contacted the Defendant by United States Postal Service Certified Mail Return Receipt # 7009 3410 0001 0346 7841 on or about June 17, 2010 disputing the information in the Plaintiff's credit report. The Defendant received this letter on June 20th, 2010. No reply was received from the Defendant. **See Exhibit A**

- 26 3. The Plaintiff contacted Trans Union and disputed the erroneous and
27 inaccurate information via US Cert. Mail # 7009 3410 0001 0346 8060 on
28 June 21, 2010. Trans Union received this letter on June 24th, 2010. **See Exhibit A**
- 29
- 30 4. The Plaintiff contacted Experian and disputed the erroneous and inaccurate
31 information via US Cert. Mail # 7009 3410 0001 0346 8053 on June 21,
32 2010. Experian received this letter on June 23rd, 2010. **See Exhibit A**
- 33 5. The Plaintiff contacted Equifax and disputed the erroneous and inaccurate
34 information via Cert. Mail # 7009 3410 0001 0346 8091 on June 21, 2010.
35 Equifax received this letter on June 24th, 2010. **See Exhibit A**
- 36 6. All three Credit Reporting Bureaus have indicated they are reporting the
37 information correctly as reported by the Defendant, yet the Plaintiff's
38 alleged account HAS NOT been marked in dispute. **See Exhibits B,C,D,E**
- 39 7. This refusal to mark the Plaintiff's alleged account in dispute is a violation
40 of the Fair Credit Reporting Act, section 623. **Responsibilities of furnishers**
41 **of information to consumer reporting agencies** [15U.S.C. §1681s-2a(i)]
- 42 8. The Defendant now continues to exist in the Plaintiff's credit report without
43 marking his alleged account in dispute which is a violation of the Fair Credit
44 Reporting Act, section 623. **Responsibilities of furnishers of information**
45 **to consumer reporting agencies** [15U.S.C. §1681s-2(3)]:
- 46 9. The Defendant has called the Plaintiff twenty three times in the period of
47 one month on his cellular phone which has a finite number of allowable
48 minutes. The Defendant has not proven any permissible purpose for these
49 calls and therefore has monetarily damaged the Plaintiff by costing him
50 money in the terms of "minutes used" on his cellular plan which has a finite
51 number of minutes allowed for use each month. This is a violation of the

52 Telephone Consumer Protection Act section 227. **Restrictions on the use**
53 **of telephone equipment [47 U.S.C. § 227]**

54 10. On or about September 15, 2010, the Plaintiff, trying to resolve this
55 dispute administratively sent a Notice of Pending Lawsuit to the Defendant
56 in an attempt to reach a resolution. The letter was received on September
57 20th, 2010. No reply was received from the Defendant.

58 11. On or about September 27th, 2010 the Plaintiff filed his complaint in the
59 United States District Court for the District of Nevada. It was given case
60 number 2:10-cv-01662-GMN-LRL. **See Court Document # 1 in regards**
61 **to this case.**

62 12. The Defendant was served the summons for this case on September 29th,
63 2010 and the summons was filed into the official record on October 6th,
64 2010.

65 13. The Plaintiff does not want this case to be adjudicated by a Magistrate
66 Judge as is evidenced by the Plaintiff **not** filing form AO-85 into the record.
67 The Plaintiff only wants this case to be heard by the District Court Judge
68 assigned to it and will wait if it is needed for the court to be able to make
69 this happen.

70 14. These are the only matters before this court. Anything else brought forth in
71 this case is irrelevant, immaterial, impertinent and scandalous.

72 15. At NO TIME has this case EVER been about any alleged monies, alleged
73 monies owed, alleged contracts or judgments. This case is about what the
74 Defendant failed to do when an alleged account was disputed with them.

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79 Respectfully submitted this 17th day of November, 2010

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87 State of NEVADA

88 County of CLARK

89

90 Subscribed and sworn to (or affirmed) before me, Cynthia Horner, Notary Public,
91 on this 17 day of November, 2010 by Timothy Harris.

92 Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

93

94 WITNESS my hand and official seal.

Cynthia Horner
My Commission Expires 11-13-13
Notary Public



100

CERTIFICATE OF SERVICE

101 I, the Plaintiff, Timothy Harris, does hereby certify that a copy of this Affidavit
102 was sent to the Defendant American General Financial Services Of America, Inc.
103 through their attorney of record David W. Dachelet, Esq., Nevada Bar No. 6615,
104 300 South Fourth Street, Suite 1400, Las Vegas, Nevada 89101 for the purpose of
105 satisfying the requirement for Notice and Service and was sent via the United
106 States Postal Service pursuant to Federal Rules of Civil Procedure 4 (c) (2) (c) (i).
107 This will also be available to any and all PACER ECF participants and will serve
108 as Notice and Service.

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111

112

113

114

115

116

117

Timothy P. Harris

Timothy P. Harris
4005 Cherokee Rose Ave.
North Las Vegas, NV. 89031
702-371-3658
extremeps1@cox.net

EXHIBIT C

EXHIBIT C



Prepared for
TIMOTHY PAUL HARRIS
Report number
1070-6058-87

Report date ← June 30, 2010
www.experian.com/disputes
PO BOX 9701, Allen, TX 75013

Page 4 of 18

Accounts in good standing

These items may stay on your credit report for as long as they are open. Once an account is closed or paid off it may continue to appear on your report for up to ten years.

Credit items

	Date opened	Date of status	Type	Responsibility	Credit limit or original amount	Recent balance	Status: Open/Never late.
AMERICAN EDUCATION SVCS/NCT	Feb 2007	May 2010	Installment	Individual	\$100.00	\$0.00 as of May 2010	Address identification number: [REDACTED]
1200 N 7TH ST HARRISBURG PA 17102 (800) 233-0577	Aug 2007	Last reported May 2010	Terms 20+ months	[REDACTED]			
Partial account number			Monthly payment	[REDACTED]			
1747379151PA0....							
See History of account balances for additional information.							
AMERICAN GENERAL FINANCE	Date opened Feb 2010	Date of status Jun 2010	Type Installment	Responsibility Individual	Credit limit or original amount \$4,494	Recent balance \$4,178 as of Jun 2010	Status: Open/Never late.
1928 N DECATUR BLVD LAS VEGAS NV 89108 No phone number available	Reported since Feb 2010	Last reported Jun 2010	Terms 24 Months		High balance NA	Recent Payment \$236	Address identification number: 599674340
Partial account number			Monthly payment	[REDACTED]			
210118201187....							
See History of account balances for additional information.							
BAC HOME LOANS/COUNTRYWIDE	Date opened Aug 2009	Date of status Jan 2010	Type Mortgage	Responsibility Individual	Credit limit or original amount \$200,000.00	Recent balance \$200,000.00 as of Jan 2010	Status: Open/Never late.
450 AMERICAN ST # SV416 SIMI VALLEY CA 93065 (800) 669-6607	Reported since Aug 2009	Last reported Jan 2010	Terms [REDACTED]		High balance NA	Recent Payment [REDACTED]	Address identification number: 599674340
Partial account number			Monthly payment	[REDACTED]			
2267....							
See History of account balances for additional information.							

0042251074 L-677-10453-0209000



EXHIBIT D

EXHIBIT D

Account Name	Account Number	Date Opened	Balance	Date Reported	Past Due	Account Status	Credit Limit
Date Closed:	08/2009			Type of Loan:		Veteran's Real Estate Mortgage (Veteran's Administration)	
Date of First Delinquency:	N/A						
Comments:							

81-Month Payment History

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2009	*	*	*	*	*	*	*	*	*	*	*	*

[Back to Top](#)**Installment Accounts**

Installment accounts are credit accounts in which the amount of the payment and the number of payments are predetermined or fixed, such as a car loan.

Open Accounts

Account Name	Account Number	Date Opened	Balance	Date Reported	Past Due	Account Status	Credit Limit
AMERICAN GENERAL FIN	210118201187XXXX	02/2010	\$4,178	06/2010	\$0	PAYS AS AGREED	

AMERICAN GENERAL FINANCE

4825 S Rainbow Blvd Ste 208
Las Vegas, NV-891034748

Account Number:	210118201187XXXX	Current Status:	PAYS AS AGREED
Account Owner:	Individual Account	High Credit:	\$4,494
Type of Account:	Installment	Credit Limit:	
Term Duration:	24 Months	Terms Frequency:	
Date Opened:	02/2010	Balance:	\$4,178
Date Reported:	06/2010	Amount Past Due:	\$0
Date of Last Payment:	05/2010	Actual Payment Amount:	\$236
Scheduled Payment Amount:	\$236	Date of Last Activity:	05/2010
Date Major Delinquency First Reported:		Months Reviewed:	3
Creditor Classification:		Activity Description:	N/A
Charge Off Amount:		Deferred Payment Start Date:	
Balloon Payment Amount:		Balloon Payment Date:	
Date Closed:		Type of Loan:	Secured By Household Goods/Collateral
Date of First Delinquency:	N/A		
Comments:			

Date pulled





EXHIBIT E

EXHIBIT E

EXHIBIT F

EXHIBIT F

Closed:	[REDACTED]	[REDACTED]
DEROGATORY SUMMARY:		
Inquiries:	[REDACTED]	[REDACTED]
Public Records:	[REDACTED]	[REDACTED]
Collections Accounts:	[REDACTED]	[REDACTED]
Current Delinquencies:	[REDACTED]	[REDACTED]
Prior Delinquencies:	[REDACTED]	[REDACTED]

Self-Pulled Report
Thru Privacy Guard

Account History

Below is information on any accounts you may have opened in the past. Positive information regarding your accounts remains on your report indefinitely. Generally, a consumer reporting agency will not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

AMERICAN GENERAL FINAN

	Experian	Equifax	TransUnion
Account Name:	AMERICAN GENERAL FINAN	AMGNL	
Account Number:	210178801187XXXX	210178801187XXXX	
Account Type:	Installment	Installment	
Account Status:	Open	Open	
Monthly Payment:	\$236	\$236	
Date Opened:	02/2010	02/2010	
Balance:	\$4,068	\$4,068	
Terms:	24		
High Balance:	\$4,494	\$4,494	
Limit:	-	-	
Past Due:	-	-	
Payment Status:	Current	Current	
Comments:			

24-Month Payment History

Date:	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	
Experian:	08	08	08	08	08	09	08	09	09	08	09	08	09	09	09	09	10	10	10	10	10	10	10	10	
Equifax:																		OK	OK						
TransUnion:																		OK	OK						

	Experian	Equifax	TransUnion
Account Name:		██████████	
Account Number:		██████████	
Account Type:		Installment	
Account Status:		Open	
Monthly Payment:		██████████	
Date Opened:		██████████	
Balance:		██████████	
Terms:			

Date Pulled



EXHIBIT G

EXHIBIT G

Current:	1	1	1
Closed:	0	0	0
DEROGATORY SUMMARY:			
Inquiries:	2	2	2
Public Records:	1	1	1
Collections Accounts:	1	1	1
Current Delinquencies:	4	2	3
Prior Delinquencies:	0	0	0

Account History

Below is information on any accounts you may have opened in the past. Accounts that are paid as agreed can remain on your report for up to 10 years from the date of last activity. Typically, a consumer reporting agency will not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

DOVER ENERGY

	Experian	Equifax	TransUnion
Account Name:			[REDACTED]
Account Number:			[REDACTED]
Account Type:			Installment
Account Status:			Open
Monthly Payment:			\$236
Date Opened:			[REDACTED]
Balance:			[REDACTED]
Terms:			[REDACTED]
High Balance:			\$2,000
Limit:			-
Past Due:			[REDACTED]
Payment Status:			Current
Comments:			Unsecured

24-Month Payment History

Date:	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
	08	08	09	09	09	09	09	09	09	09	09	09	09	09	10	10	10	10	10	10	10	10	10	10
Experian:																								
Equifax:																								
TransUnion:																								OK

AMERICAN GENERAL FINAN

	Experian	Equifax	TransUnion
Account Name:	AMERICAN GENERAL FINAN	AMGNL	AMER GEN FIN
Account Number:	210178801187XXXX	210118201187XXXX	210178801187XXXX
Account Type:	Installment	Installment	Installment
Account Status:	Open	Open	Open
Monthly Payment:	\$236	\$236	\$236
Date Opened:	02/2010	02/2010	02/2010
Balance:	\$4,068	\$4,178	\$4,068

Terms:	24		24
High Balance:	\$4,494	\$4,494	\$4,494
Limit:	-	-	-
Past Due:	\$959	\$0	\$959
Payment Status:	120 Days Late	Current	120 Days Late
Comments:	Account in dispute - reported by subscriber (FCBA) Account information disputed by customer		Secured By Household Goods & Other Collateral Account information disputed by consumer

24-Month Payment History

Date:	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
08	08	09	09	09	09	09	09	09	09	09	09	09	09	09	10	10	10	10	10	10	10	10	10	10
Experian:															OK									
Equifax:															OK	OK	OK	OK						
TransUnion:															OK	OK	OK	ND	OK	OK	60	90	120	

~~HODO BANK~~

	Experian	Equifax	TransUnion
Account Name:	HODO BANK	HODO BANK	HODO BANK
Account Number:	100700190006	25007900X000	520030000000
Account Type:	Revolving	Revolving	Revolving
Account Status:	Open	Open	Open
Monthly Payment:	0000	0000	0000
Date Opened:	07/20/08	07/20/08	04/20/08
Balance:	\$174	\$174	14274
Terms:			0
High Balance:	\$100	-	\$100
Limit:	\$600	\$600	\$600
Past Due:	-	-	\$0
Payment Status:	Current	Current	Current
Comments:			Credit Card

24-Month Payment History

Date:	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	
	08	08	09	09	09	09	09	09	09	09	09	09	09	09	10	10	10	10	10	10	10	10	10	10	10
Experian:															OK										
Equifax:															OK										
TransUnion:															OK										

~~PREFERRED CREDIT INC~~

	Experian	Equifax	TransUnion
Account Name:	PREFERRED CREDIT INC	PREFERRED CREDIT INC	PREFERRED CREDIT INC
Account Number:	00000000	00000000	00000000
Account Type:	Instalment	Installment	Installment
Account Status:	Open	Open	Open
Monthly Payment:	000	000	000
Date Opened:	09/2009	09/2009	09/2009
Balance:	\$4,201	\$4,201	\$4,201

EXHIBIT H

EXHIBIT H

1 Timothy P. Harris, Pro Se'
2 4005 Cherokee Rose Ave.
3 North Las Vegas, NV. 89031
4 702-371-3658
5 extremeps1@cox.net
6

7/22/10 11:22 AM

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF NEVADA**

9 Timothy P. Harris, Pro Se')
10 Plaintiff) Case No: 2:10-cv-01662-GMN-LRL
11 V.) Civil Rights Violation Complaint
12 AMERICAN GENERAL FINANCIAL) Trial By Jury Demanded
13 SERVICES OF AMERICA, INC.)
14 Defendant

15 **NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT**

16 **TO: ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:**
17 **NOTICE IS HEREBY GIVEN** that on Wednesday, November 17, 2010 a copy of this Notice
18 of Motion was sent to the Defendant, American General Services Of America, Inc.'s counsel in
19 an attempt to once again try to come to a resolution in this matter without needing to waste the
20 courts time. The Notice was sent by way of United States Postal Service Certified Mail Return
21 Receipt 7009 3410 0001 0346 3607 which the defense counsel received on Thursday, November
22 18, 2010 and as of 10:00am on Monday November 22, 2010 there has been no reply. May it be
23 noted that this day, Monday, November 22nd, 2010, on or about 11:00am, or as soon thereafter as
24 the matter may be heard of this Court, Plaintiff will move this Court for an order granting
25 summary judgment in favor of the Plaintiff, pursuant to FRCP rule 56, on the grounds that
26 Defendant pulled Plaintiff's credit report during litigation under false pretenses which is a
27 violation of FCRA Act § 619 Obtaining information under false pretenses [15 U.S.C. § 1681q]
and supported with the follow case law:

Rice v. Montgomery Ward & Co., Inc. 450 F. Supp. 688, 670-72 (M.D. N.C. 1978) (Defendant
violates FCRA if it obtains a consumer report on Plaintiff after Plaintiff institutes an action
against defendant. Such an inquiry is impermissible.);

28
29 Bils v. Nixon, Hargrave, Devans & Doyle, 880 P.2d 743 (Ariz. App. 1994) (improper to get
30 report to discover information which might be used in litigation); Duncan v. Handmaker, 149
31 F.3d 424, 426-28 (6th Cir. 1998) (no legitimate business needs to obtain report to prepare for
32 litigation); Bakker v. Mckinnon, 152 F.3d 1007, 1011-12 (8th Cir. 1998) (same);
33

34 Auriemma v. Montgomery, 860 f.2d 273, 279, 280-281 (7th Cir. 1998) (extra-judicial I
35 investigation by attorneys improper; no privilege);
36

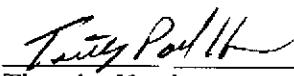
37 Mone v. Dranow, 945 F.2d 306, 308 (9th Cir. 1991) (obtaining credit report to investigate for
38 purposes of litigation improper);
39

40 Boothe v. TRW Credit Data, 557 F. Supp. 66, 70-71 (S.D.N.Y. 1982); Rylewicz v. Beaton
41 Services, Ltd., 698 F. Supp.. 1391, 1400 n. 10 (N.D. Ill. 1988), aff'd 888F.2d 1175, 1181 (7th
42 Cir. 1989); Houghton v. N.J. Maunfacturer's Ins. Co., 795 F.2d 1144, 1149 (3d Cir. 1986)
43 (obtaining report after litigation for use in litigation improper).
44

45 Plaintiff is also entitled to summary judgment as a matter of law.
46

47 This motion is based on this Notice, the records and papers on file herein, the attached
48 Memorandum of Points and Authorities, the Affidavit of Timothy Harris, the attached Separate
49 Statement of Undisputed Material Facts, and on such other evidence as may be presented at the
50 hearing of this motion.
51

52 Respectfully submitted this 22nd day of November, 2010.
53

54 
55 _____
56 Timothy Harris
57 4005 Cherokee Rose Ave.
58 North Las Vegas, NV 89031
59 702-371-3658
60 extremeps1@cox.net

CERTIFICATE OF SERVICE

I, the Plaintiff, Timothy Harris, does hereby certify that a copy of this Notice and Motion For Summary Judgment was sent to the Defendant American General Financial Services Of America, Inc. through their attorney of record David W. Dachelet, Esq., Nevada Bar No. 6615, 300 South Fourth Street, Suite 1400, Las Vegas, Nevada 89101 for the purpose of satisfying the requirement for Notice and Service and was sent via the United States Postal Service pursuant to Federal Rules of Civil Procedure 4 (c) (2) (c) (i). This will also be available to any and all PACER ECF participants and will serve as Notice and Service.

Tony Pad II
Timothy P. Harris
4005 Cherokee Rose Ave.
North Las Vegas, NV. 89031
702-371-3658
extremcps1@cox.net